

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

V.

1.09 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
STATE OF TEXAS, AND RAMON
CISNEROS, JR., *et al.*,

Defendants.

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CIVIL NO. 1:08-CV-224

AGREED FINAL JUDGMENT

The Court hereby renders final judgment in this case in accordance with Federal Rule of Civil Procedure 54.

On May 20, 2021, Plaintiff, United States of America (“United States”) appeared before the Court for a status Conference. Claimants Cameron County, Brownsville I.S.D., South Texas I.S.D., Brownsville Navigation District, Cameron County Emergency Services District, Texas Southmost College, and Brownsville Irrigation District (the “Taxing Authorities”) received notice of the hearing on title and ownership and subsequently filed a Motion to Permit their Attorney to be Excused from Attending the Status Conference.¹ The Court granted the Motion due to the Taxing Authorities verified claim and no remaining unresolved issues, therefore Taxing Authorities did not participate in the Status Conference.² Thomas Mark Blakemore attended the Status Conference in representation of Defendant, Ramon Cisneros.

¹ Doc. 118

² Doc. 119

During the hearing this Court found that Ramon Cisneros and Taxing Authorities were the only two parties in this case with an identified interest in the subject property. The Court also found Taxing Authorities' claim for the just compensation due to unpaid taxes and penalties, was valid. Mr. Blakemore informed the Court that Ramon Cisneros did not contest the Taxing Authorities claim and this Court held that Taxing Authorities was entitled to the full amount of the just compensation for the subject property.

Having considered the evidence on title and just compensation on the record, the Court enters final judgment in this case and accordingly, the following is hereby **ORDERED**:

1. Taxing Authorities is entitled to full and just compensation payable by the United States for the taking of Tracts RGV-FTB-1015 and RGV-FTB-1015-1 for the thirty-three thousand, one hundred and fifty and 00/100 dollars (\$33,150.00) on deposit in the registry of the Court, plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the named Claimants against the United States for the institution and prosecution of the above-captioned action.
2. Judgment is hereby entered against the United States in the amount of thirty-three thousand, one hundred, fifty and 00/100 dollars (\$33,150.00) plus any accrued interest for the taking of Tracts RGV-FTB-1015 and RGV-FTB-1015-1.
3. On June 3, 2008, the United States deposited a check in the amount of twelve thousand six hundred and fifty and 00/100 dollars (\$12,650.00)³ as estimated just compensation for the taking of the subject property. The United States, Defendant Ramon Cisneros and Taxing Authorities agree that upon deposit of said amount, title to the interest and estate as more fully described in the Complaint and to the extent set forth in the Declaration of Taking,

³ Doc. 4.

vested in the name of the United States of America by operation of law as to Tracts RGV-FTB-1015 and RGV-FTB-1015-1.

4. On September 28, 2015, the United States deposited a check in the amount of two thousand and 00/100 dollars (\$2,000.00), as additional funds for the estimated just compensation.⁴
5. On July 24, 2018, the United States deposited eighteen thousand, five hundred and 00/100 dollars (\$18,500.00), as additional funds for the estimated just compensation.⁵
6. The total amount in deposit in the Registry of the Court and agreed to as the settlement between the parties is thirty three thousand one hundred and fifty with 00/100 dollars (\$33,150.00).
7. On September 24, 2008, the Court found the United States to be entitled to immediate possession of Tracts RGV-FTB-1015 and RGV-FTB-1015-1, and ordered all persons in possession or control to surrender possession of same to the United States, to the extent of the estate being condemned⁶:

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of land described in Quit-Claim Deed recorded with Deed Records, Cameron County, Texas, on 4 December 1981, volume 1258, page 260, document number 34788, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map [in Schedule E of the Declaration of Taking];

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

⁴ Doc. 83.

⁵ Doc. 92.

⁶ Doc. 9; Schedule "E," Docs. 1-1 at 13; 2-1 at 13.

To the extent that possession was not previously granted, all persons in possession or control of the interests taken in Tracts RGV-FTB-1015 and RGV-FTB-1015-1 are hereby **ORDERED** to surrender possession of same to the United States.

8. Pursuant to a Stipulation filed by the United States and Taxing Authorities with the Court on May 17, 2021⁷, the total sum of thirty-three thousand, one hundred, fifty and 00/100 dollars (\$33,150.00) plus any accrued interest, which sum is in full satisfaction of any claims of whatsoever nature by the named Claimants, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to the Taxing Authorities and deductible from this amount.
9. The United States, Ramon Cisneros and Taxing Authorities stipulate that the sum of thirty-one thousand two hundred twenty dollars and sixty-three cents (\$31,220.63) plus any accrued interest, shall be paid to Defendant Antonio “Tony” Yzaguirre, Cameron County Tax Assessor-Collector for *ad valorem* taxes owed on Account Number: **77-2860-1010-0120-00 and 772860-1010-0130-00** for Tract RGV-FTB-1015 and RGV-FTB-1015-1 (1.09 acres) and the whole parcel remaining in said account.
10. The United States, Ramon Cisneros and Taxing Authorities stipulate that the sum of one thousand nine hundred twenty -nine dollars and thirty-three cents (\$1,929.33) plus any accrued interest, shall be paid to Defendant Brownsville Irrigation District for *ad valorem*

⁷ Doc. 117.

taxes owed on Account 12183 and 12184 for Tract RGV-FTB-1015 and RGV-FTB-1015-1 (1.09 acres) and the whole parcel remaining in said account.

11. The stipulated just compensation remains on deposit in the registry of the Court. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **thirty-three thousand, one hundred, fifty and 00/100 dollars (\$33,150.00) plus any accrued interest earned thereon while on deposit**, payable to the order of:

- **\$31,220.63** to “Tony” Yzaguirre, Cameron County Tax Assessor-Collector,” for Account Number: **77-2860-1010-0120-00 and 772860-1010-0130-00**, with accrued interest from the date of deposit, for *ad valorem* taxes owed on the subject property.
- **\$1,929.33** to “Brownsville Irrigation District” for Account Number 12183 and 12184 with accrued interest from the date of deposit, for *ad valorem* taxes owed on the subject property.

12. All parties shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

13. Subject to the property taxes owed, which payment is being disbursed herein,, RAMON CISNEROS, JR is responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking, and is responsible for payment of any additional taxes or assessments which they otherwise owe on the remaining whole parcel.

14. Parties shall take no appeal from any rulings or judgments made by the Court in this action.

15. This final judgment is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of all named Claimants in this case.

16. All issues have been resolved as to Tracts RGV-FTB-1015 and RGV-FTB-1015-1 including any delinquent taxes and charges against it. Accordingly, the claims and interests of named defendants remaining in this case: RAMON CISNEROS, JR, EL CLAVO

SALES, LP W, SUNRISE NATIONAL BANK and are hereby **resolved and there are no further issues to consider in this matter**. The Clerk of the Court is **ORDERED** to close this case.

SIGNED on _____, 2021, at Brownsville, Texas.

Fernando Rodriguez, Jr.
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

FOR DEFENDANT/CLAIMANTS:

s/ Lori Gruver , with permission

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